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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal  
Representative of the Estate of TODD  
ALLEN, Individually, on Behalf of the  
Estate of TODD ALLEN, and On Behalf  
of the Minor Child, PRESLEY GRACE  
ALLEN

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:04-cv-0131-JKS

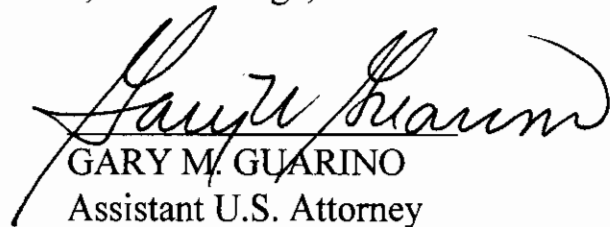
DECLARATION IN SUPPORT OF  
UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
WRITTEN FINAL ARGUMENT

I, Gary M. Guarino, declare pursuant to 28 U.S.C. § 1746 that:

1. I am the Assistant U.S. Attorney assigned to represent the Defendant in this matter and I was the attorney representing the Defendant at trial.
2. The Court's Order [Docket 119] directed the parties to file their respective written final arguments on September 14, 2007.
3. As set out in the Defendant's prior Motion for Continuance [Docket 117], undersigned counsel has been out on sick leave and working a reduced daily schedule due to an acute back injury. Counsel has been back to work this past week, September 10 to 14, 2007, but has only been able to work a limited number of hours due to the ongoing recovery from the back injury.
4. Undersigned counsel has been working on the Defendant's written final argument but will not be able to complete the memorandum for filing on September 14, 2007.
5. Counsel will be able to complete and file the Defendant's written argument on Monday, September 17, 2007. This affidavit is submitted in support of the Defendant's motion for an extension of time to file its written final arguments on the damage claims in this case.
6. I spoke with Plaintiff's counsel, Donna McCreedy, and Plaintiff does not oppose the Defendant's motion for extension of time.

I DECLARE under penalty of perjury that the foregoing is true and correct.

Executed on September 14, 2006, in Anchorage, Alaska.



GARY M. GUARINO

Assistant U.S. Attorney

U.S. Attorney's Office

District of Alaska

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Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2007,  
a copy of the foregoing DECLARATION IN  
SUPPORT OF UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE WRITTEN  
FINAL ARGUMENT was served electronically on  
Donna McCready.

s/ Gary M. Guarino